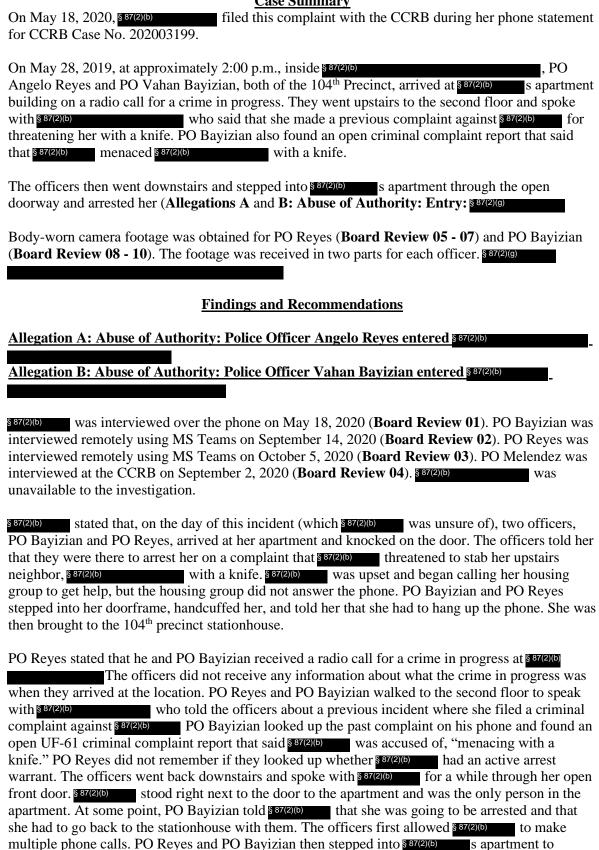
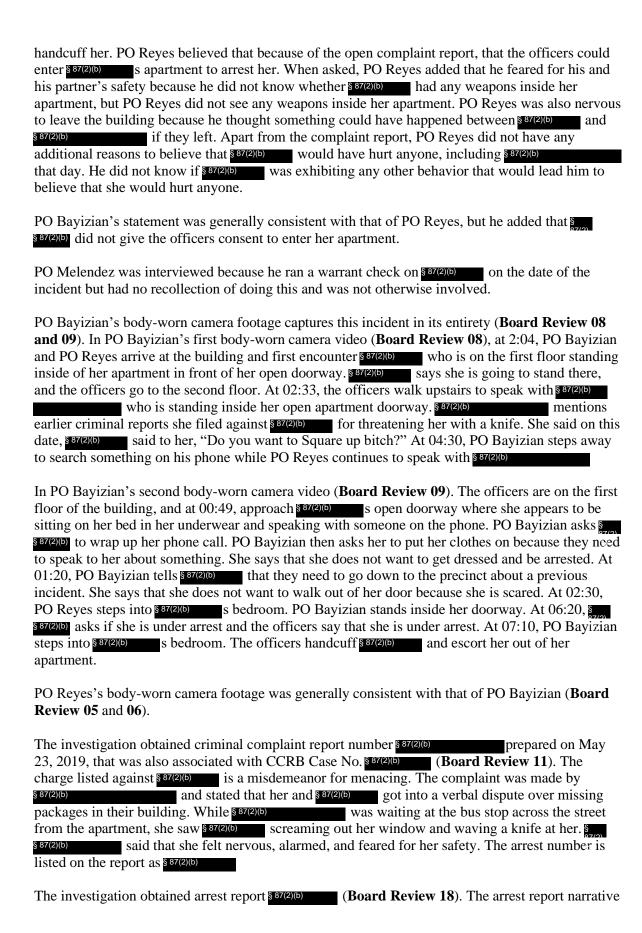
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	Force	☐ Discourt.	U.S.
Jackie Manginelli		Squad #10	202003467	☑ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:	•	Precinct:	18 Mo. SOL	EO SOL
Tuesday, 05/28/2019 2:00 PM		§ 87(2)(b)		104	11/28/2020	7/15/2021
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/Time	e Received at CCI	₹B
Mon, 05/18/2020 1:00 PM		CCRB	Phone	Mon, 05/1	8/2020 1:00 PM	
Complainant/Victim	Type	Home Addre	ss			
Witness(es)		Home Addre	ss			
Subject Officer(s)	Shield	TaxID	Command			
1. POM Angelo Reyes	19629	963227	104 PCT			
2. POM Vahan Bayizian	14039	960218	104 PCT			
Witness Officer(s)	Shield N	o Tax No	Cmd Name			
1. POM Miguel Melendez	10581	949320	QNS CT			
2. DT3 Michelle Feldman	07133	938231	104 DET			
Officer(s)	Allegation			Investigator Recommendation		
A.POM Angelo Reyes	Abuse: P	Police Officer Angelo Re	eyes entered § 87(2)(b)			
B.POM Vahan Bayizian	Abuse: P	olice Officer Vahan Bay	/izian entered § 87(2)(b)		

Case Summary



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notes that $\S^{87(2)(b)}$ was arrested for $\S^{87(2)(b)}$, on complaint report number $\S^{87(2)(b)}$.
The investigation obtained a warrant audit in relation to this incident (Board Review 12). On May 28, 2020, at approximately 3:15 p.m., it indicates that PO Reyes checked his phone for any warrants related to \$87(2)(b)
The investigation confirmed that there were no active arrest warrants or bench warrants for on the incident date (Board Review 19).
It was undisputed that neither PO Reyes nor PO Bayizian obtained an arrest warrant prior to stepping into \$87(2)(0) as a partment and arresting her. It was also undisputed that \$87(2)(0) did not give consent to the officers to enter her apartment.
People v. McBride, 14 N.Y.3d 440, (2010) found that if there is probable cause, the police may proceed without a warrant to effectuate an arrest within a home if exigent circumstances exist to justify a warrantless entry. The factors for exigency include: 1) the gravity or violent nature of the offense with which the subject is to be charged, 2) whether the subject is reasonably believed to be armed, 3) a clear showing of probable cause to believe the suspect committed the crime, 4) strong reason to believe the suspect is in the premises being entered, 5) a likelihood that the suspect will escape if not swiftly apprehended, and 6) the peaceful circumstances of the entry. The court must determine if there is an urgent need that justifies a warrantless entry (Board Review 13).
<u>Payton v. New York</u> , 445 U.S. 573, (1979) found that the police are prohibited from making warrantless and nonconsensual entries into suspects' homes in order to make routine felony arrests (Board Review 17).
§ 87(2)(g)
Civilian and Officer CCRB Histories
• \$87(2)(b) has been party to two prior CCRB complaints (Board Review 14).
PO Reyes has been a member of service for three years and has been a subject in one previous complaint and one previous allegation that was exonerated. §87(2)(9)
 PO Bayizian has been a member of service for four years and this is the first complaint for

CCRB Case # 202003467

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which he has been a subject.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- A request for any Notice of Claim regarding this incident has been submitted to the New York City Comptroller's Officer and will be added to the case file upon receipt (Board Review 15).

[99 00(1)(3)&(4)] [9 07(2)(6)]		
10		
Iookio Monginolli	Jackia Manginalli	10/15/2020
		Date
Signature	Time Time & Ivanic	Date
Eric Rigie_	IM Eric Rigie	10/16/2020
Signature	Print Title & Name	Date
Signature	Print Title & Name	 Date